

**MINUTES OF THE LAFAYETTE COMMON COUNCIL
OCTOBER 5, 1998
REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, October 5, 1998, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Alting called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Boehning, Meyer, Probasco, Campbell, Downie, Rhoda, Fisher, Smith, Alting
Absent: None

Councilman Probasco moved to recess for a Public Hearing on Ordinance 98-54, Ordinance 98-55, and Resolution 98-19, Councilman Campbell seconded. The motion passed by unanimous voice vote.

President Alting asked if there were any comments on Ordinance 98-54 (An Ordinance Annexing a Certain Area into the City of Lafayette, Indiana Located Along S.R. 25 and U.S. 52). Joseph Bumbleburg stated that he was available for any questions pertaining to Ordinance 98-54. The City Clerk read Ordinance 98-55 (An Ordinance Pertaining to the SIA Annexation Area) by title only and there was no comment. The Clerk read Resolution 98-19 (A Resolution Confirming the Designation of an Economic Revitalization Area for Tax Abatement, Hanson Cold Storage Company) by title only and there was no comment.

Councilman Campbell moved to reconvene the regular session, Councilman Probasco seconded. The motion to reconvene passed by unanimous voice vote.

Councilman Boehning moved to approve the minutes of the September 9, 1998 special meeting, Councilman Downie seconded. The minutes were approved by unanimous voice vote. Councilman Boehning moved to approve the minutes of the September 14, 1998 regular meeting, Councilman Fisher seconded. Councilman Fisher stated that there was a scrivener's error on page 4 stating that *Devoy* should be *Deboy*. The minutes, with the noted scrivener's error, were accepted by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Motor Vehicle Report – August 1998
Miscellaneous Monthly Department Reports

Ordinances for Second Reading:

The Clerk read Ordinance 98-54 (An Ordinance Annexing a Certain Area into the City of Lafayette, Indiana Located Along S.R. 25 and U.S. 52) by title only for second and final reading. Councilman Meyer moved for passage, Councilman Smith seconded. Sherry McLauchlan, Redevelopment Director, explained the proposal and the fiscal plan that had been prepared. Councilman Campbell moved to amend the ordinance to adopt the fiscal

plan, Councilman Meyer seconded. The motion to amend Ordinance 98-54 passed by unanimous voice vote. Ordinance 98-54, as amended, passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-55 (An Ordinance Pertaining to the SIA Annexation Area) by title only for second and final reading. Councilman Fisher moved for passage, Councilman Rhoda seconded. Ms. McLauchlan explained the annexation proposal. Councilman Meyer moved to amend the ordinance to include the fiscal plan, Councilman Rhoda seconded. The amendment was accepted by unanimous voice vote. Councilman Fisher moved to amend the ordinance to reassign the annexation area to Council District 1 only, Councilman Rhoda seconded. The amendment was approved by unanimous voice vote. Ordinance 98-55, as amended, passed 8-0 on a roll call vote.

Ordinances for First Reading:

The Clerk read Ordinance 98-57 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R1B to NBU, Jerry and Janet Sanders, Petitioners) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Meyer seconded. Janet Sanders, 1304 Queen Street, submitted a petition in support of Ordinance 98-57. Ms. Sanders explained that in order to cut down on expenses she hoped to operate a ceramic shop on her residential property. Ms. Sanders asked audience members to stand who were present in support of the proposal. Councilman Rhoda stated that at the APC meeting the Sanders gave a nice presentation, and stated that the neighbors are supportive of the proposal. President Alting expressed his support for the proposal. Councilman Boehning stated that it is difficult for her to spot zone and for that reason she expressed her opposition to the proposal. Jerry Sanders explained that this is a small business serving friends and family. Councilman Campbell asked about the building that would be used for the business and Mr. Sanders explained that he would be converting a garage into the ceramic shop. Councilman Downie stated that this is a good example of a neighborhood business. Susan Freeman, 655 W. South Street, Frankfort, spoke in favor of the proposal. Joyce Simons, 1224 Queen Street, spoke in support of the proposal. Lynn Warthan, 1704 Wabash Avenue, spoke in support of the proposal. Don Wood, 4377 Lake Villa Lane, West Lafayette, Director of Activity Therapy at Wabash Valley Hospital, stated that the Sanders are one of the hospital's sole suppliers and expressed his support for the proposal. Mike Simmons, 5510 E 300 N, spoke in support of the proposal. Councilman Campbell stated that he is also concerned about spot zoning but feels that in this case it might be appropriate for the neighborhood. Councilman Fisher stated that the NBU zoning is the most restrictive of the business zoning and for that reason he supports the proposal. Ordinance 98-57 passed 7-1 on a roll call vote with the vote being as follows:

Ayes:	Meyer, Probasco, Campbell, Downie, Rhoda, Fisher, Smith
Nays:	Boehning

The Clerk read Ordinance 98-58 (An Ordinance to Rezone Certain Real Estate from R3 to NB within the City of Lafayette, Indiana and Designating the Time When the Same Shall Take Effect, John K. McBride, Petitioner) by title only for first and final reading. Councilman Probasco moved for passage, Councilman Boehning seconded. Joseph Bumbleburg explained the proposal. Ordinance 98-58 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-59 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R2 to MR, Lafayette Home Hospital, Inc., Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Fisher seconded. Tom McCully, representing the petitioner, submitted a map and explained the history of the property and the impact of NUZO. Mr. McCully stated that Home Hospital intends to use the property for parking and explained that intent in a letter to Councilman Rhoda. Mr. McCully submitted a landscape design to council and explained the design. Councilman Campbell stated that the series of demolition's of historic structures has resulted in several sites with no new construction. Councilman Campbell stated that Councilman Meyer has a proposal to institute some waiting periods before a demolition could occur. Councilman Meyer stated that he intends to present a proposal to council to require a longer notice period for demolition of historic structures. Councilman Smith voiced his

concern over previous presentations to council by Home Hospital but stated that his questions have been answered. Councilman Downie stated that it is important for corporate citizens to make sure that neighborhoods are protected. Margy Deverall, 114 S. 27th Street, spoke against the proposal and asked council to support a PD zoning designation. Bruce Boughton, 3001 South Street, spoke against the proposal. Mr. Boughton presented a petition in opposition to the proposal with 123 signatures. John Riehle, 17 N. 28th Street, spoke against the proposal. Joseph Zych, 2613 South Street, spoke against the proposal. Beverly Van Hook, 2609 South Street, spoke against the proposal. Gordon Leming, 15 N. 28th Street, spoke against the proposal. Elizabeth Mork, Executive Director of the Wabash Valley Trust for Historic Preservation, spoke against the proposal. Dick Nagel, 620 Ferry Street, spoke against the proposal and encouraged support for a PD zoning. David Lahr, 822 Kossuth Street, spoke against the proposal and encouraged PD zoning. Ansher Schwartz (spelling?), 3013 South Street, spoke regarding the proposal. Ray Siegel, 620 Bur Oaks Court, West Lafayette, and purchasing a home on 26th Street, spoke against the proposal, and asked those to stand who oppose the proposal. Oren Griffin, 506 S. 27th Street, spoke against the proposal. Mr. McCully explained the zoning for this property and stated that PD is not appropriate. Mr. McCully stated that the need for parking is great and would like to proceed with the project. Councilman Meyer asked if Home Hospital is willing to talk with the neighbors in the future. Mr. McCully stated that the hospital is willing to listen within the limits of the law. Councilman Smith asked what the urgency is to get the parking lot built. Mr. McCully stated that the parking need is there and it is time to move along and further delay serves no purpose. Councilman Rhoda stated that he voted against the proposal at the APC and had discussed the PD zoning with the hospital and was provided the letter of intent by Home Hospital. Councilman Fisher stated that this has been a very controversial issue but feels that MR is the appropriate zoning and encouraged council to approve the proposal. Councilman Fisher stated that neighbors and Home Hospital need to be receptive to talking to each other. Councilman Downie stated that MR might be correct but feels that PD is more appropriate. Councilman Smith stated that MR might be appropriate in the interior of the hospital property but may not be on the exterior. Councilman Rhoda stated that he supports the proposal. Ordinance 98-59 passed 7-1 on a roll call vote with the vote being as follows:

Ayes: Boehning, Meyer, Probasco, Campbell, Rhoda, Fisher, Smith
Nays: Downie

Councilman Boehning excused herself from voting on Ordinance 98-60 due to a possible conflict of interest. The Clerk read Ordinance 98-60 (An Ordinance Vacating a Portion of a Public Way Known as 1st Street, Vacating all Easements therein and Designating the Time when the Same Shall Take Effect, Dunn & Hargitt, Inc., Petitioner) by title only for first reading. Councilman Probasco moved for passage, Councilman Campbell seconded. Richard Boehning, representing the petitioner, explained the history of the property. Mr. Boehning requested that council vacate the property. Councilman Meyer inquired about compensation for the property and Mr. Boehning explained why no compensation should be required. Ordinance 98-60 passed 7-0 on a roll call vote, with Councilman Boehning abstaining from the vote.

Councilman Probasco moved to set a public hearing on Ordinance 98-60 for Monday, November 9, 1998 at 7:01 p.m., Councilman Campbell seconded. The motion to set the public hearing passed by unanimous voice vote.

Resolutions:

The Clerk read Resolution 98-19 (A Resolution Confirming the Designation of an Economic Revitalization Area for Tax Abatement, Hanson Cold Storage Company) by title only for first and final reading. Councilman Meyer moved for passage, Councilman Fisher seconded. Greg Hanson, Hanson Cold Storage, asked for council approval on the request. Mr. Hanson also thanked Mike Brooks and Sherry McLauchlan for their assistance on this proposal. Resolution 98-19 passed 8-0 on a roll call vote.

The Clerk read Resolution 98-21 (1998 Budget Reduction) by title only for first and final reading. Councilman Probasco moved for passage, Councilman Boehning seconded. Bill Yazbec, City Controller,

stated that each Department has been asked to reduce their 1998 budget to preserve the 1999 budget and keep the tax rate down. Resolution 98-21 passed 8-0 on a roll call vote.

Councilman Probasco stated that Mr. Yazbec had requested approval of a scrivener's error to the 1999 budget reduction amendment, which would reduce line item 701-14-128 from \$255,000 to \$20,000. Councilman Probasco moved to accept the scrivener's error, Councilman Campbell seconded. The scrivener's error was accepted by unanimous voice vote.

Reports of Standing Committees: There were no reports.

Reports of Special Committees: There were no reports.

Report by Mayor: Mayor Heath stated that the city is still working on reducing the budget to keep the tax rate down. The Mayor stated that the State Board of Accounts has requested that the city council pass a resolution that would be a statement of agreement to attempt to keep the tax rate at \$2.57 for 1999. Councilman Fisher moved that the tax rate in the City of Lafayette in 1999 remain the same as it currently is in 1998, which is \$2.57 per \$100.00 of assessed valuation, Councilman Smith second. The resolution passed by unanimous voice vote.

Miscellaneous and New Business: There was no comment.

Reports of Councilmen: There were no reports.

Public Comment: Linda Allen, 916 N. 10th Street, stated that she had been before council regarding CB radio problems. Ms. Allen stated that she has recordings of CB conversations that are appalling and the CB conversations are coming in on her household appliances. Ms. Allen asked for assistance. Councilman Campbell requested that Eric Burns and the Police Chief work with Ms. Allen on this issue and Mr. Burns stated that the Engineer's Office should be involved, not the Police Department. Mr. Burns discussed the issue and possible steps that can be taken.

Margy Deverall thanked council for listening regarding the Home Hospital issue. Ms. Deverall requested that council act as mediator between the neighbors and the hospital. Councilman Rhoda stated that he would contact Ms. Deverall in the next few days to discuss how council could help. President Alting stated that many councilmen were working behind the scene on behalf of the neighbors. John Riehle expressed his frustration over the Home Hospital issue.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Probasco seconded. The Motion passed by unanimous Voice Vote. Time being 9:32 p.m.

Minutes prepared by Lisa Decker, City Clerk.

A tape recording of this council meeting is maintained in the City Clerk's Office.